19 32

Department of Land Revenue & Settlement

OFFICE of the Board of Revenue

STATION Chepauk. MADRAS

Misc. No. 743

Dated the 3rd March 1932

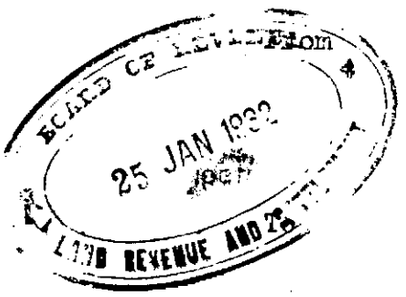
To whom sent

	Date
Given for copying	
Copied	
Examined	
Signed	
Given for despatch	
Despatched	

E. 637/32

Ref.C.No.11266-31-A.2. South Kanara Collector's Office,

Mangalore, dated 19th January '32



From

Khan Bahadur J. Hussain, Bar-at-law.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Sir,

Pension - Subraya L.R.Ry. S., retired Town Surveyor - Re-employment under Mangalore Municipality - 1931-32 - Payment of full pension in addition to the pay of the post - Article 520-521 C.S.R.

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x not traceable
Probably not communicated to the Board by Govt.

On an application from the Chairman, Municipal Council, Mangalore, the Government in G.C.No.87 Mis. Finance (Pension) dated 28-1-1929, sanctioned the re-employment of Mr. S. Subraya, retired Town Surveyor, under the Mangalore Municipality in connection with the preparation of Town planning scheme, for a period of one year from 1-5-28 and permitted him to draw his full pension in addition to the pay of the temporary post. Mr. Subraya was drawing a pay of Rs. 51/- at the time of his retirement. His pension is Rs. 24-10-0 per month and the pay on re-employment is Rs. 45 per month in all Rs. 69-10-0

2. On the same terms, Mr. G.W. Wells extended the term of re-employment from 13-8-29 to 31-3-1931 as the Government have delegated the power to sanction re-employment to the Collector in G.C.Finance 663 dated 13-8-29 leaving it to the Chairman to seek the sanction of the Government for extension up to 13-8-29, the date of delegation of authority.

There is a further application for extension up to 31-3-1932. A copy of his application is enclosed. I felt doubts if full pension could be allowed as Mr. Wells was

done or only Rs. 10 as indicated in Civil Service Regulations 521 (ii). A copy of my reference to the Accountant General is appended His reply, copy enclosed, only repeats the first sentence of this article. Whereas this reply indicates that the Collector's powers are unrestricted, priviso(ii) would limit such powers up to a grant of Rs. 10 per mensem in addition to the full pay of the post. If only Rs. 10 can be allowed as the Local Government have delegated its power to an authority subordinate to itself, the order of Mr. Wells would require modification and a recovery of the overpayment at Rs. 18-10-0 (Rs.45 + 24-10-0 - 51) per month. On the other hand if the discretion given to the Collector is without limitation, I can without objection repeat sanction on the past terms of full pay of the post and full pension. I request the favour of an interpretation of the rule.

3. As regards the period 1-5-29 to 13-8-29, the Accountant General is calling for the necessary sanction. If G.O.Finance 663 dated 13-8-29, can operate retrospectively I shall grant the extension. If that cannot be done on the ground that the Government Order does not in clear terms give retrospective powers, I request that the sanction of the ---- Government may kindly be obtained.

A Krishnaswami 21.1.32

For Collector.

21.1.32

Letter-from ....ly. .. Vittal Shetty, ...,
Chairman, Municipal Council, ...
To-the Director of South ...ana, ...
Date-... ...ore, 16th November 1 1.
No.-E1.3.No.167/31-3a.

*****

In ... office ... roceedings D.Dis. ...67,
... June ..., sanction was accorded ... ...
temporarily ... ... Shetty, retired ... ...,
service of the Municipality, until 31st ... ...
was permitted to draw his pension in addit...
... of ... ,- per month wise on temporary ...
the preparation of the Town Planning Sc... ...
he was employed is not yet complete his services ...
be retained and it is proposed to employ ... ...
of ... ...a. As it is not possible to secure
services of ... ... for ... ...,
you to extend the term of his re-employ... ... ...
of the Council till that date.

Yours ...y.

Authorised
21/11

... Secretary.

MB

Letter-from Khan Bahadur J. Hussain, Bar-at-Law,
Collector of South Kanara.

To-the Accountant-General, Madras.

Dated-Mangalore, 30th November 1931.

No.-Ref.C.No.11268-A2-31.

Subject:- Civil Service Regulations (Article 521) - District Collector - Pensioners re-employed in Local Fund or Municipal Department - Extent of power to grant full pension.

In regard to delegation of powers to District ------ Collectors in the matter of allowing pension in full or in part to pensioners re-employed in appointments paid for from Local Fund or Municipal funds as laid down in G.O. Finance 66 dated 13th August 1929, I request that I may be informed if the restrictions in Article 521 C.S.R. (i) & (ii) regarding the duration of re-employment and the limit of Rs.10 respectively apply obligatorily to their sanction, or the delegation is so wide that if a Collector chooses he can in his discretion sanction the full pension whenever such full ---- pension and the pay drawn from re-employment exceeds the pay of the post from which the pensioner had retired.

Page 146 of C.S.R

In one case, a certain pensioner has been in Municipal service during the past three years receiving full pension notwithstanding the fact that the pension and the present pay exceed the pay of the post from which he had retired. I wis to know if this is in order. There is a further application for extension of service under the same municipality. And I am keeping it pending a reply on this reference.

21-1-32

Letter from the Accountant General, (Pension Audit Section, Madras.
To the Collector of South Kanara, Mangalore.
Dated 7th January 1932, No.Pen.Lis.4-395.

Ref:- Your No. C.11268-A-2-31 dated 30-11-1931.

With reference to your letter quoted above, I have the honour to state that as the G.C.No.663 dated 13-8-1929 has been issued under the provisions contained in notes 1 and (2) under Articles 520 and 521 of the Civil Service Regulations respectively you are the authority competent to determine whether the pension shall be wholly or partly in abeyance in cases where the employment is in service paid from a local fund.

R. F. XXII-A-19- 80,004—2-2-31 (6)

Subject.

PENSIONER. (S. Kamara). Subraya M.R.Ry. S. Retired Town Surveyor. Re.employment under Mangalore Municipality - Sanction and payment of full pension in addition to the pay of the post.

READ AGAIN B. P. No. _____ ,dated _____ 193

" " p _____ , " _____ 193

READ ALSO :--

Register No. E. 637/32 ..... A (with enclo)
From the _____, No. _____, dated _____ 193

" " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193 .

RESOLUTION. REFERENCE. E. 637/32-1
No. _____, dated 5th FEBRUARY 1932

Submitted to Government.

B.P. No. 2376 12.9.29 (A)

2. G.O. No. 663, Finance (Pension) dated 13-8-29 empowers a collector only to "determine whether the pension shall be wholly or partly held in abeyance" and is not clear to the Board whether the Collector can under this delegation decide whether the amount of the full pension may be drawn in view of the proviso (ii) to Art. 521 of the Civil Service Regulations the Board requests to be informed as regards the correct interpretation of the rules

3. In the circumstances stated by the Collector, the Board requests that

formal sanction may be accorded for the re-employment of the pensioner for the period from 1.5.29 to 13.8.29

5-23

C.F. 32.

In reply, please quote number, date and short title.*

BOARD OF REVENUE
8 FEB 1932
LAND REVENUE AND SETTLEMENT

2956

_____DEPARTMENT.

Received _____ *Registered*

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,

(Designation) Collector of South Kanara.

Post Box_____, (Station) Mangalore.

*Telegraphic Address*_____

To The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

R.O.C. *No.* 4263-F.11/31 *dated* 6th Febry. 1932.

Sir,

Enclosures_____

_____

_____

Spare Copies_____

Pap 207

Pension - Subraya, M.R.Ry. S. - Retired Town Surveyor - Re-employment under the Mangalore Municipality for the period 1-5-'29 to 12-8-'29 - Sanctioned.

Ref:- My letter Ref.C.No.11268-31-A2 dated 19-1-32 Paragraph 3.

Pap 127
M. See reverse

The Government in their Memorandum No. 2660-1 Finance (Pension) Department, dated 27-1-1932 (copy enclosed) have since sanctioned the re-employment of the pensioner Mr. S. Subraya under the Mangalore Municipality from 1-5-1929 to 12-8-1929 on the application of the -- Chairman of the Municipal Council to the Government. I ~~request~~ submit that no further action is necessary regarding paragraph 3 of my reference only.

GOVERNMENT OF MADRAS.

Finance (Pension) Department.

Memorandum No. 2660-1 dated the 27th January 1932.

Pensioner - Re-employment - Subraya, S., retired town Surveyor - Ref:- From the Chairman, Municipal Council, Mangalore, Ref.C.No.957/31-32, dated 15th January 1932.

The Government are pleased to sanction the continued re-employment of S. Subraya, retired town surveyor, for the period from the 1st May to 12th August 1929 in the service of the Municipal Council, Mangalore, on the terms stated in G.O. No. 87 Finance (Pension) dated 22nd January 1929.

C. E. Jones.

Dy. Secretary to Government.

To

The Chairman, Municipal Council, Mangalore.
The Accountant-General (P.A. Section).

*****

Forwarded.
(By order)

R. F. XXII-A-19—30,004—2-2-31 (6)

FOR MEMBER.

Subject.

PENSIONER - (South Kanara) - Subraya H.R.Ry.S

Retired Town Surveyor. Re-employment under Mangalore Municipality from 1.5.29 to 13.8.29.

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____. From the _____, No. _____ , dated _____ 193

Bdi Rey E 637/32-1, dated 5/2/32 ... Q

" " E.956/32 ... Q " _____ , _____ , " _____ 193

" " _____ , " " _____ , " _____ , " _____ 193

Reference E 637/32-2

No. _____, dated 10 February 1932

The Collector of South Kanara, has since reported that Govt, in their Memo. 2660-1 Finance (Pension) dated 27-1-32, have sanctioned the re-employment of the pensioner S. Subraya under the Mangalore Municipality, from 1-5-29 to 12.8.29. The Board therefore begs to inform Govt. that no action need be taken on para 3 of its reference read above.

Ref.11268-A2-31.

South Kanara Collector's Office,
Mangalore, 24th February 1932.

Khan Bahadur J. Hussain, Bar-at-Law,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Pension - Subraya, M.R.Ry., S., - Retired Town Surveyor - Re-employment under Mangalore Municipality - 1931-32 - Payment of pension in addition to the pay of the post.

H 1-2 47

Reference:- This office Ref.C.No.11268-A2-31, dated 19th January 1932.

I request the favour of early orders on my above reference.

For Collector.

24.2.32

R. F. XXII-A-19—30,004—2-2-31 (6)

Subject.

FOR MEMBER.

PENSIONER. (S. Kanara) - Subraya M.Rly S
Retired Town Surveyor. Re-employment under
Mangalore Municipality - Payment of pension in
addition to the pay of the post.

READ AGAIN B. P. No. _____ ,dated_____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No. E.1276/32... From the_____, No._____ , dated_____ 193

" "_____, " "_____ , _____, "_____ 193

" "_____, " "_____ " "_____, "_____ 193 .

RESOLUTION. Reference E.637/32.3 No._____, dated 27th February 1932

The Collector is informed that
the question has been referred to Govt.,
and that their orders are awaited.

27-2-32

27-2-32

BOARD OF REVENUE
2- MAR 1932
LAND REVENUE AND SETTLEMENT
GOVERNMENT OF MADRAS

E1375

Finance (Pension) Department.

Memorandum No. 5589-2, dated the 27th February 1932.

Re-employment of pensioners under local bodies - Reference - G.O. No. 663 Finance (Pension), dated the 13th August 1929

From the Board of Revenue (Land Revenue and Settlement), Ref. No.E.637/32-1, dated the 5th February 1932.
From --do-- Ref.No.E.637/32-2, dated the 10th Feb. 1932.

.....

The Board of Revenue is informed that there is no bar to the exercise of the powers delegated to Collectors in G.O. No. 663 Finance (Pension) dated the 13th August 1929 even in cases where the pension to be allowed to pensioners re-employed under local bodies exceeds Rs 10 a month.

C.E. Jones,
Deputy Secretary.

To the Board of Revenue (Land Revenue and Settlement)
" Accountant-General.
Copy to the Local Self Government Department.

----0----

Forwarded
(By Order)

Superintendent.

ASR.29/2.

R. F. XXII-A-19—30,004—2-2-31 (6)

FOR MEMBER.

Subject.

PENSIONER (S) - (S. Kanara) . Re. employment under Local Bodies. Subraya M.R.Rj S. Town Surveyor. Re-employment under Mangalore Municipality. Govt. memo. communicated

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ ,, _____ 193

READ ALSO :—

Register No. _____, From the _____, No. _____, dated _____ 193

E 637/32
Bde Rf E 637/32-1, dt 5/2/32 B

" " _____, " " _____, _____, " _____ 193

E. 137/32 ... A.

" " _____, " " _____, " " _____, " _____ 193

RESOLUTION. Misc. No. 743, dated 3rd MARCH 1932

Communicated to the Collector of S. Kanara, with reference to his letter Rf. C. No 11268-31.A-2, dt 19.1.32

3/3/32

Dmc
Rg
3.3.32

Pp 1-2 07

Bro
3/3 Rg 3.3.32

The Collector of S. Kanara.

Copy to the Collectors of other dists

Copy for stock file]

PENSIONER - (South Kanara) - Subraya , M.R.Ry S. - Retired Town Surveyor - Re-employment under Mangalore Municipality - 1931 -1932 - Payment of full pension in addition to the pay of the post.

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E.636/32.

To First Asst.

Please see the Collector's letter at pages 1-2 c.f. 2. The Collector raises two questions, viz,

(i) whether G.O.No.663, Finance, (Pension), dated 13th August 1929 gives him unrestricted powers in regard to the pay to be allowed to pensioners who are to be re-employed by Local Boards and Municiplaitibs and

(ii) whether the G.O. can have retrospective effect.

Item (i). In the cases of employment under a local Board, the authority competent to decide whether the pension to be wholly or partly held in abeyanc was Government (prior to 13th August 1929) Vide note 1 under Art. 521 C.S.R. In virtue of this power the town surveyor was permitted by Government to draw his full pension in addition to the full pay of th temporary post, when Govt. sanctioned his re-employment for a period for one year from 1-5-1928. This power w delegated to Collectors in G.O.No.663, Finance (Pension) dated 13-8-29. Attention is invited to the A.G's lett at page 7 c.f. This reply read with the G.O. referred to above, indicates that the Collector's powers are

are unrestricted. Attention is also invited to para 1 of G.O.No. 85, Finance (Pension), dated 22-1-31 at page 3 of B.P.No.Mis.397, dated 5-2-31. In this G.O. Govt. have held that the Collector is the competent authority to determine whether the pension should be wholly or partly held in abeyance if the sum of the pension and the pay drawn by the pensioner on re-employment exceeds the drawn by the pensioner at the time of retirement. Or in other words, the Collector can also hold that no part of the pension need be held in abeyance. If this view was not correct, the A.G. would have told the Collector that Mr.Wells has exceeded his powers. He didn't do this. From para 3 of the Collector's letter it appears that the A.G. only wanted the necessary sanction for the period from 1-5-29 to 13-8-29. It seems therefore that Mr.Wells orders were correct. The Collr. may be informed accordingly.

As regards the second point raised by the Collector, it is submitted that orders of Government ordinarily take effect only from the date of the order unless otherwise stated. G.O.No.663, Finance (Pension), dated 13.8.29 cannot (have) operate retrospectively. Hence it is the Accountant-General wanted sanction for the period from 1-5-29 to 13-8-29. The Collector requests that sanction of Govt. may be obtained in the matter.

For orders whether this may be done.

G O No 663 Fin (Pension) Dt 13. 8. 29 empowers a Collector only to "determine whether the pension shall be wholly or partly held in abeyance *" It is not clear whether the Collr can under this delegation decide whether the amount of the full pension may be drawn in view of the express provision (ii) to Article 521 C S R.

Portion B Govt sanction has to be obtained As Govt have to be addressed in this matter the question of interpretation of the rule raised by the Collector may also perhaps be submitted to them for orders

12.2.32

Very well.

12.2.32.

To First Asst

Draft submitted

5.2.32

Book
3/2
4.2.32

I issued as directed Ref E 637/32-1, dated 5.2.32

To First Asst

Please see the Collector's letter at page 11 C7. As it is reported by him, that Govt. have since sanctioned the re-employment of the pensioner under the Mangalore Municipality from 1.5.29 to 12.8.29, Govt. may be informed that no action is necessary on para 8 of D.O. Ref E. 637-32-1, dated 5/2/32

Draft submitted for approval

10/2/32

8/2
8/2
8.2.32

Issued as Board's Ref E.637/32.

E.1375/32

To ~~Head~~ Asst

Draft submitted

10/2/32